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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,007	06/14/2001	Yoko Fujiwara	011350-277	4692
7590	11/18/2004		EXAMINER	
Platon N. Mandros BURNS, DOANE, SWECKER & MATHIS, L.L.P. P.O. Box 1404 Alexandria, VA 22313-1404			AHMED, SAMIR ANWAR	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/880,007	FUJIWARA, YOKO
	<b>Examiner</b>	<b>Art Unit</b>
	Samir A. Ahmed	2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 16 September 2004.
- 2a) This action is **FINAL**.                          2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,9-11,19 and 20 is/are rejected.
- 7) Claim(s) 2-8, 12-18 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

1. Applicant's amendment filed on 9/16/04 has been entered and made of record.
2. In response to Applicant's amendment filed on 9/16/04 the objection to the drawings is withdrawn.
3. In response to Applicant's amendment filed on 9/16/04 the 101 rejections to claims 11-20 is withdrawn.
4. Applicant's arguments filed 9/16/04 have been fully considered but they are not persuasive with regard to claims 1, and 11 for the following reasons:
5. Applicant alleges, "For instance Naoi et al. does not disclose the claimed [,]" (page 10, line 23-page 13, line 2). The Examiner disagrees. Firstly, In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the features shown in Fig 4 and disclosed in the related description in the specification) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Secondly, Naoi et al. indeed discloses "a judgment unit that judges whether the character images should be converted to the character code data, wherein said judgment unit judges whether all character images contained in a specific character image group formed as an assembly of multiple adjoining character images should be prohibited from being converted into character code data depending on at least one of the character recognition certainties of said character images contained in the character image group. More specifically, Naoi discloses using a threshold for the character

reliability level (certainty), if the reliability of the character recognition (at least one certainty) is equal or higher than a predetermined threshold then the character string (all characters in a character group) is converted into character code and stored (col. 21, lines 52-55). If the reliability of the character recognition (at least one certainty) of the character string of management information (specific character image group) is lower than a predetermined threshold then the image of the character string is stored (i.e. all characters in the character string are prohibited from being converted to a character code and are stored as image of the character string is stored (col. 21, lines 48-52) (i.e., a judgment is made based on the reliability level of the character recognition (at least one certainty) of the character string of management information (specific character image group) being higher or lower than a predetermined threshold), which reads on the claim as broadly claimed. Naoi also discloses that character code is stored as well with the image of the character string (characters in the character string that are prohibited from being converted to a character code), however, claims 1 and 11 use the transitional phrase “comprising” which does not preclude the reference from having additional features besides the claimed features. Furthermore, claims 1 and 11 do not preclude storing character codes as well with the image of the character string (characters in the character string that are prohibited from being converted to a character code). As pointed above, Naoi et al. indeed judges whether character images should be kept as character images (prohibited from being converted to character codes) based on the reliability level of the character recognition (at least one certainty) as required by the claim language.

Applicant alleges, "Claims 9 and 19 respectfully depend from independent claims 1 and 11. As pointed out above, the Naoi et al. patent [,]" (page 13, lines 11-30). The Examiner disagrees. As pointed above, Naoi et al. indeed judges whether character images should be kept as character images (prohibited from being converted to character codes) based on the reliability level of the character recognition (at least one certainty). Furthermore, Seto Toshio discloses a facsimile apparatus (forming unit) which converts recognized characters into character codes and prohibit the conversion of unrecognized characters and maintain the characters as bitmap (image) information, the bitmap (image) information (characters prohibited from being converted to character codes) are transmitted excluding those character codes, i.e., the bitmap information is cut out from the input image data [Page 6, (00103)] [i.e., Seto judges based on the recognition state (recognized or unrecognized) of the character, whether to convert character image into character code or keep it as image character (prohibit the conversion of the character into character code), with recognized characters being converted into character codes and unrecognized characters being maintained as bitmap (images) information (characters prohibited from being converted to character codes)]. The combination of Naoi and Seto Toshio indeed result in the combinations recited in claims 9 and 19.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

'A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 10, 11, 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Naoi et al. (U.S. Patent 6,721,463). The grounds for rejections stated in paragraph 5 of the Office Action mailed on 7/15/04 paper number 4, are incorporated by reference herein.

As to claim 1, Naoi discloses an image processing device comprising:  
a character recognition unit that recognizes character codes from character images in image data and also detects character recognition certainties, which are respectively degrees of correctly recognizing the character codes [Fig.26 shows character recognition from a document image, the reliability of recognition (recognition certainty) is detected as low or high (col. 21, lines 33-47), reliability of character recognition (certainty) is computed for an input character pattern (single character) using the method cited on col. 21, lines 33-47 and that method is used in character recognition of a character string (col. 21, lines 25-27), i.e. plurality of reliability of recognition (recognition certainties) for the string (plurality) of characters that indicate their respective degrees of correctly recognizing the character codes by computing a probability parameter (degree of correctly recognizing character code) from the distance value between the character code obtained as a recognition result and an input character pattern (col. 21, lines 37-40)] ;  
a conversion unit that converts the character images to character code data

according to the character codes [characters are recognized and if reliability is equal or higher than a predetermined threshold then converted into character code and stored (col. 21, lines 52-55)]; and

a judgment unit that judges whether the character images should be converted to the character code data, wherein said judgment unit judges whether all character images contained in a specific character image group formed as an assembly

of multiple adjoining character images should be prohibited from being converted into character code data depending on at least one of the character recognition certainties of said character images contained in the character image group [if the reliability of recognition (at least one certainty) of the character string of management information (specific character image group) is lower than a predetermined threshold then the image of the character string is stored (i.e. the characters in the character string are prohibited from being converted to a character code and kept as character image (col. 21, lines48-52)].

As to claim 11 refer to claim 1 rejection above. Naoi further discloses, a program product for image processing in a computer readable medium, said program product causing a computer to execute a process (col. 34, line45-46).

As to claims 10, 20 refer to claim 10, 20 rejections stated in paragraph 5 of the Office Action mailed on 7/15/04 paper number 4, are incorporated by reference herein.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 9, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naoi et al. (U.S. Patent 6,721,463) as applied to claims, 1 and 11 above, and further in view of Seto Toshio (Japanese Patent Publication 05-037700). The grounds for rejections stated in paragraph 5 of the Office Action mailed on 7/15/04 paper number 7, are incorporated by reference herein.

***Allowable Subject Matter***

10. Claims 2-8 and 12-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

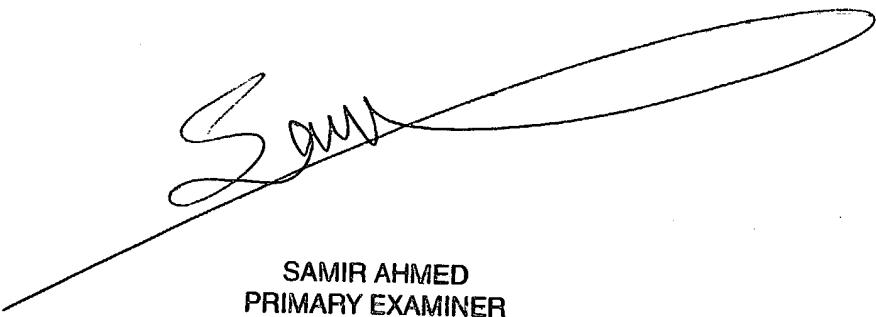
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samir A. Ahmed whose telephone number is 703-305-9870. The examiner can normally be reached on Mon-Fri 8:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on 703-308-6604. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SA



SAMIR AHMED  
PRIMARY EXAMINER